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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,246	11/09/2004	Erwin Muller	FRR-15710	8884
40854 7590 11/27/2007 RANKIN, HILL, PORTER & CLARK LLP 38210 Glenn Avenue WILLOUGHBY, OH 44094-7808			EXAMINER NICHOLSON III, LESLIE AUGUST	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/511,246	<b>Applicant(s)</b> MULLER, ERWIN	
	<b>Examiner</b> Leslie A. Nicholson III	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18, 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 10/24/2007 have been fully considered.

Due to Applicant's arguments and/or amendments, rejections over Reist ('910) in view of Muller are hereby withdrawn as well as all previous 35 USC 112 rejections.

Applicant argues Boss does not disclose movement of part product groups, and therefore, are no aligned edges amongst part products and the products are not gripped by a gripper for separation from a common side of the row of in a range of aligned edges. In response, Muller teaches movement of part product groups and Reist teaches aligned edges amongst part products and the products are gripped by a gripper for separation from a common side of the row of in a range of aligned edges. Further, Reist ('076) discloses the articles being gripped and pulled off in a direction parallel to the plane of the flat portion of the articles, as shown in figures 13 and 14. When gripped

by the grippers (3), the articles are pulled off in a direction parallel to the plane of the flat portion of the articles. When the articles sag, the plane of the flat portion of the article is parallel to the direction of conveyance. Applicant argues Muller teaches removal or product groups at an oblique angle relative to the conveying direction of the row of groups and the products in the groups do not have aligned edges that are parallel to the direction of conveyance of the group. In response, Muller shows the product groups parallel to the conveying direction and having aligned edges parallel to the direction of conveyance of the group in at least figure 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boss USP 4,684,118 in view of Muller USP 5,727,781 and Reist USP 6,270,076.

Boss discloses a method for supplying flat part products to a serial further processing, the method comprising the steps of:

- Producing a row of part products, wherein the part products overlap one another
- Winding the row in a first direction onto a roll core (15) to form a roll (fig.2,3)

- Restoring the row by unwinding it from the roll in a second direction, opposite to the first direction, the step of restoring being independent of time and place of the steps of producing and winding the row (fig.2,3)

Boss does not expressly disclose individual quantities of flat part products of different types comprising at least partly different rectangular formats, producing a row of part product groups, each group comprising one of said quantities of part products, by superimposing a plurality of supply streams comprising the part products of one type each, wherein the supply stream to be superimposed as of identical speed and identical supply capacity, wherein the part products of the supply stream overlap one another, and wherein the supply streams are superimposed in such a manner that within each part product group produced, one edge of each part product is aligned with an edge of the remaining part products and the aligned edges face a common side of the row, wherein the one aligned edge of the part product within each part product group is parallel to the longitudinal direction of the row, or successively separating from the front end of the restored row part product groups by gripping, with a gripper, each part product group from said common side of the row in the range of said aligned edges and removing it from the head end of the row in a third direction substantially perpendicular to the second direction and parallel to plane of the flat portion of the products, or supplying the gripped and removed part product groups immediately to the further processing.

Muller teaches individual quantities of flat part products of different types comprising at least partly different rectangular formats, producing a row of part product

groups, each group comprising one of said quantities of part products (abstract), by superimposing a plurality of supply streams comprising the part products of one type each, wherein the supply stream to be superimposed as of identical speed and identical supply capacity, wherein the part products of the supply stream overlap one another, and wherein the supply streams are superimposed in such a manner that within each part product group produced, one edge of each part product is aligned with an edge of the remaining part products and the aligned edges face a common side of the row, wherein the one aligned edge of the part product within each part product group is parallel to the longitudinal direction of the row (fig.1) for the purpose of combining printed products of a plurality of types to form sets having products of each type (abstract).

At the time of invention it would have been obvious to one having ordinary skill in the art to have individual quantities of flat part products of different types comprising at least partly different rectangular formats, producing a row of part product groups, each group comprising one of said quantities of part products, by superimposing a plurality of supply streams comprising the part products of one type each, wherein the supply stream to be superimposed as of identical speed and identical supply capacity, wherein the part products of the supply stream overlap one another, and wherein the supply streams are superimposed in such a manner that within each part product group produced, one edge of each part product is aligned with an edge of the remaining part products and the aligned edges face a common side of the row, wherein the one aligned edge of the part product within each part product group is parallel to the

longitudinal direction of the row, as taught by Muller, in the method of Boss, for the purpose of combining printed products of a plurality of types to form sets having products of each type.

Reist teaches successively separating from the front end of the restored row part product groups by gripping, with a gripper (3), each part product group from said common side of the row in the range of said aligned edges and removing it from the head end of the row in a third direction substantially perpendicular to the second direction and parallel to plane of the flat portion of the products (fig.13,14) and supplying the gripped and removed part product groups immediately to the further processing, wherein the further processing is a supplementation of printed products (fig.9) for the purpose of storing or accumulating the printed products (C6/L12-19,42-65).

At the time of invention it would have been obvious to one having ordinary skill in the art to successively separate from the front end of the restored row part product groups by gripping, with a gripper (3), each part product group from said common side of the row in the range of said aligned edges and removing it from the head end of the row in a third direction substantially perpendicular to the second direction and parallel to plane of the flat portion of the products and supplying the gripped and removed part product groups immediately to the further processing, as taught by Reist, in the method of Boss, for the purpose of storing or accumulating the printed products.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boss USP 4,684,118 in view of Muller USP 5,727,781 and Reist USP 6,270,076 further in view of Meier USP 5,6603,382.

Boss discloses all the limitations of the claim, but does not expressly disclose the further processing being a supplementation of printed products, wherein the printed products are conveyed in a serial stream, and one part product group is added to each printed product in the course of said conveyance.

Meier teaches the further processing being a supplementation of printed products, wherein the printed products are conveyed in a serial stream, and one part product group is added to each printed product in the course of said conveyance (fig.1) for the purpose of forming multiple component printed products (C1/L18,19).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

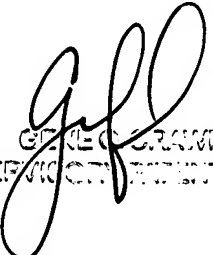


Application/Control Number:  
10/511,246  
Art Unit: 3651

Page 8

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.  
11/12/2007

  
GREG CRAWFORD  
SUPERVISOR/EXAMINER